

Remarks

The applicant has presented the above amendments and the following remarks as a full response to the outstanding Office Action. Each issue raised by the Office in the Detailed Action has been either directly addressed by the present response or rendered moot. The applicant respectfully requests the Office's attention to the amendments and arguments presented in this response. Based on the art that has been cited, the applicant respectfully submits that the present claims are allowable and such action is requested of the Office.

Election/Restriction

The applicant hereby affirms the election of Group II, which corresponds to Claims 10-25 and 32-34, for prosecution in the present application.

Claim Rejections – 35 U.S.C. § 112

Beginning at page 5 of the Detailed Action, the Office has rejected claims 19, 20 and 22 under the second paragraph of 35 U.S.C. 112 declaring that the claims fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically as to claims 19 and 20, the Office asserts that there is insufficient antecedent basis for the claim limitation of “the thesaurus request.” More specifically as to claim 22, the Office asserts that there is also insufficient antecedent basis for the recited language of “the number.”

With regards to claims 19 and 20, each depends indirectly from claims 10 and 11. Courteously directing the Office's attention to the amended claim set, claims 10 and 11 have been amended such that there is now a clear antecedent basis for the subject matter of claims 19 and 20. Therefore, the applicant stands forth that claims 19 and 20 now meet the standard as set forth by the Code at 35 U.S.C 112 and respectfully requests the Office to withdraw the present rejection that is based on those grounds.

With regards to claim 22, the claim depends directly from claim 21 and is offered to further limit the subject matter recited therein, i.e. “the score.” As such, the applicant submits that the use of the term “the number” in elements of the Markush group recited in claim 22 further defines and limits the claim 21 language of “the score.” Therefore, the elements of claim 22 are being recited for the first time and require no antecedent in claim 21 beyond “the score” of which they are intended to further limit. Even so, the applicant has amended claim 22 in an

effort to more clearly and succinctly recite the intended subject matter and offers it herein for consideration by the Office. The applicant submits that claim 22 meets the requirements set forth by the second paragraph of section 112 of the Code and respectfully requests the Office to recognize it as such.

Claim Rejections – 35 USC § 103

Beginning at page 5 of the Detailed Action, each of currently pending claims 10-25 and 32-34 of the present disclosure, of which claims 10 and 32 are independent, is rejected per 35 U.S.C 103(a) on the grounds of being obvious. The Office cites Zenith (U.S. 2008/0010659) taken in view of Wolpe (U.S. 7,350,145) as justification for said rejections. The applicant contends that the present invention, as described in the presently amended claims, is not an obvious combination of the references and, therefore, the applicant respectfully submits that the present claims are allowable.

With regards to independent claim 10, the applicant is confused by the Office's assertion at page 5 of the Detailed Action that Zenith teaches "a method of preparing and managing one or more thesauri..." in light of its admission at page 6 that Zenith, in fact, "does not specifically teach preparing a thesaurus." It appears that these assertions by the Office are contradictory.

Further, with regard to other elements recited in the claim, the Office asserts that Zenith teaches "storing each of the received first plurality of text messages in a database" and "preparing a *response message*, the response message being comprised of at least a portion of the received first plurality of text messages that are stored in the database [emphasis added]..." The applicant submits, however, that Zenith does not describe, suggest or teach storing received text messages in a database. Further, the applicant respectfully points out to the Office that no element in the claim recites preparing a response message; the claim element to which the applicant presumes the Office intended to refer actually recites preparing a thesaurus [from the stored text messages] and Zenith makes no description, suggestion or teaching of thesaurus preparation.

More specifically, the Office points to Zenith at paragraphs [0067] and [0078] as evidence that Zenith stores each of the received first plurality of text messages in a database. The applicant reviewed the paragraphs, as well as the entire Zenith reference, and could not find

any suggestion that text messages from users are stored in a database. In fact, the paragraphs relied upon by the Office only teach remote application stores that may be periodically accessed by clients in order to update local stores. Granted, Zenith's reference to a "store" is tantamount to a database. Importantly, however, Zenith makes no suggestion that the stores, whether remote or local in nature, may be comprised of received text messages (as is recited in the claim).

Logically, as Zenith does not teach storing user text messages in a database, Zenith cannot be combined with any reference to show that a thesaurus may be prepared from content taken from stored text messages. For this reason, in addition to the previous reasons, the combination held forth by the Office fails to fully anticipate the subject matter recited in the claim. Notwithstanding that point, the applicant submits that the Office erred in its application of Wolpe to show preparation of a thesaurus from content taken from received text messages. More specifically, the Office asserted at page 6 of the Detailed Action that Wolpe teaches thesaurus preparation equivalent to that disclosed and claimed by the applicant. A review of the citation (fig. 6B; col. 2, line 55 – col. 3, line 7), however, indicates that Wolpe actually teaches the retrieval of a generic text message with embedded "change points" operable for customization. While the options for the "change points" may be pulled from a thesaurus database, the fact remains that Wolpe does not describe, suggest or teach the creation of a thesaurus from content taken from previously received and stored text messages.

For at least the reasons outlined above, the applicant submits that no combination of the present references operates to fully anticipate each element recited by independent claim 10 or to render the claim as being obvious. Accordingly, the applicant submits that claim 10 is in condition for allowance and respectfully requests the Office to withdraw the present rejections and to allow the claim.

With regards to independent claim 32, the Office rejected the claim at page 8 of the Detailed Action citing "the same rationale" as claim 10..." As it has been clearly shown that the subject matter recited in claim 10 is not, and cannot be, fully anticipated or considered to be obvious by any combination of the references upon which the Office relies, the applicant also respectfully submits that independent claim 32 is in condition for allowance. Accordingly, the applicant respectfully requests the Office to withdraw the rejection and to allow the claim.

With regards to claims 11-25 and 33-34, each is an independent claim that depends either directly or indirectly from allowable claims 10 and 32 and, as such, is also in condition for allowance.

Conclusion

For at least the reasons outlined above, the applicant submits that the currently pending claims, namely claims 10-25 and 32-34, are in condition for allowance and respectfully seeks such action from the Office.

If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

By: /Gregory Scott Smith/

Gregory Scott Smith

Reg. No. 40,819

Attorney for Applicant

Smith Frohwein Tempel Greenlee Blaha LLC

Two Ravinia Drive, Suite 700

Atlanta, Georgia 30346

(770) 804-9070